

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

HEATHER VANCE-ZSCHOCHÉ,

Plaintiff,

v.

BRIAN ALEXANDER DODD,

Defendant.

No. CV 11-85-MO

OPINION AND ORDER

MOSMAN, J.,

Heather Vance-Zschoche and Brian Alexander Dodd jointly move for a protective order to protect Ms. Vance-Zschoche from harassment and abuse by a nonparty. Federal courts have limited authority to issue injunctions and restraining orders. Fed. R. Civ. P. 65(d)(2). Injunctions and restraining orders can bind only (1) parties to a suit; (2) the parties' officers, agents, servants, employees, and attorneys; or (3) other persons who are in active concert with those in the first two categories. *Id.* The proposed protective order would bind a person who does not fall under any of these categories, so I am required to deny the parties' Petition for Order of Permanent Protection (#9).

The parties also move to seal this case file entirely. A federal court in this circuit can seal judicial records only if the parties show compelling reasons supported by specific factual findings. *Pintos v. Pac. Creditors Ass'n*, 605 F.3d 665, 678 (9th Cir. 2010). In evaluating whether compelling reasons exist, I am not permitted to rely on "hypothesis or conjecture." *Id.* at 679 (internal quotations omitted).

In this case the parties have sought to seal this file to protect “employment and publicity,” and to prevent further harassment and abuse of Ms. Vance-Zschoche’s children by their father. (Motion (#9) 31, 35.) Because Ms. Vance-Zschoche has submitted ample evidence of his propensity for violence, I am inclined to seal documents that could help their father locate her or her children. However, without knowing what records, if any, will provide this information, I decline to seal the entire file. The parties may renew their motion to seal as to specific documents.

The parties’ Petition for Order of Permanent Protection and Motion to Seal (#9) is DENIED with leave to renew the motion to seal as to specific documents.

IT IS SO ORDERED.

DATED this 7th day of April, 2011.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Court